



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,932	01/22/2001	Y. Brian Chen	VIA-003	1238

7590 07/07/2004

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD, 7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
----------	--------------

2662

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,932

Applicant(s)

CHEN, Y. BRIAN

Examiner

Hanh Nguyen

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Application filed on 1/22/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4&5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:.

Claim 8, lines 3-7, is objected to the specification because according to the specification, analog signal is converted into digital when transmitted from PSTN to Optical and converted back to analog when transmitted from optical network to PSTN. Examiner reserves the right not to examine this claim until a response including explanation is received.

Claim Objections

Claim 10, line 2 is objected to because of the following informalities: “**ste top box**” is misspelled and should be rewritten to “**set top box**”. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9 and 10 are rejected under 35 USC 103(a) as being unpatentable over **Wang et al.** (US Pat. No. 6,636,505 B1) in view of **Chiu et al.** (US Pat. No. 6,597,689 B1).

In claims 1 and 9, Wang et al. discloses, in Fig.4, DSLAM 90 (local switch) having a splitter 190 (a line interface) coupling to CPE 110 via DSL (local switch carrying line interface for coupling to DSL). An ATM network 80 is provided PVC carrying switch virtual circuits

Art Unit: 2662

(ATM /Optical network carrying channels). The CPE 110 comprises DSL modem (DSL coupling means); and uses a user profile 170 (see Fig.14, channel selection means) to select a SVC to access a desired ISP (selecting a channel from the plurality of channels). See col.8, lines 2-35 & line 60 to col.9, line 12 & col.5, lines 22-27 & col.16, lines 33-65. Refer to Fig.10, a CPE comprising a home entertainment device 260 (audio/video output device) coupling to ATU-R's splitter interfacing to ATM network (audio/video output device coupling to audio/video coupling means). **Wang et al.** does not disclose the local switch having trunk interface coupled to optical network and a line interface for coupling to DSL. **Chiu et al.** discloses, in Fig.5, part of IMAS (local ATM access switch) comprising switch card A (trunk interface) coupling to ATM network via OC3 and line card (line interface) coupling to DSL. The IMAS supports PVCs , SVCs (carrying a first plurality of channels). See col.19, lines 15-65 & col. 21, lines 15-65 & col.22, lines 35-50. Therefore, it would have been obvious to one ordinary skill in the art to modify the DSLAM of Wang et al. by using the structure of the IMAS of Chiu et al. because the IMAS supports PVCs, SVCs so that the user can select SVC via the DSLAM. The motivation is to assign/release SVCs to PC users as need.

In claim 2, Wang et al. discloses ADSL modem (PC coupling means) is coupled to PC 110 (Personal computer) and the ATM network (optical network) is coupled to ISP 100 (Internet) (see Fig.4).

In claim 3, Wang et al. discloses, in Fig.10, a home network (CPE) comprising a telephone coupled by POTS splitter web phone (telephone coupling means coupling telephone to CPE).

In claim 4, Wang et al. discloses the POTS channel (PSTN) (see Fig. 2).

In claim 5, Wang et al. discloses, in Fig.11, Ethernet home network comprising Ethernet ethernet Interface in each PC (Ethernet interface).

In claim 6, Wang et al. discloses, in fig.13, ATM interface (ATM-25 interface) coupled to ATM switch .

In claims 7 and 10, Wang discloses the limitations of these claims in claim 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Greaves (Pat. 6,396,815 B1) discloses Proxy-Controlled ATM Subnetwork.

Smyk (Pat. 6,603,760 B1) discloses System and Method for Gradual Transition of Local Phone Services From PSTN to Next Generation Network.

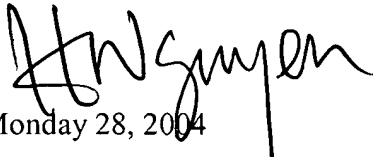
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on M, W and F from 8AM to 5PM; T, TH from 2PM-9PM (Eastern Time). The examiner can also be reached on alternate attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 703 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 2662

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'Hanh Nguyen', written over the date.

Monday 28, 2004